

**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**LEFTOVER FREIGHT  
TRANSPORTATION, INC.,**

**Respondent.**

**Docket No. FMCSA-2009-0352<sup>1</sup>  
(Western Service Center)**

**ORDER TERMINATING PROCEEDING AND CLOSING DOCKET**

On October 15, 2009, the Federal Motor Carrier Safety Administration (FMCSA) served a Notice of Claim (NOC) charging Leftover Freight Transportation, Inc. (Respondent) with two violations of 49 CFR §§ 382.105/40.11(a), failure to ensure that alcohol or controlled substances testing complies with the procedures set forth in 49 CFR part 40, and proposing a civil penalty of \$5,820.

On November 20, 2009, the Field Administrator for FMCSA's Western Service Center (Claimant) served a Notice of Default and Final Agency Order (NDFAO) based on Respondent's failure to file a timely reply to the NOC pursuant to 49 CFR 386.14(c). The NDFAO advised Respondent that the NOC would become the Final Agency Order in this proceeding effective November 25, 2009, with the civil penalty immediately due and payable on that date.

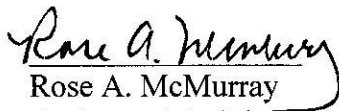
On November 29, 2009, Respondent served a Petition for Reconsideration requesting that the NDFAO be vacated because it had, in fact, served a timely reply to the NOC on November 16, 2009.

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<sup>1</sup> The prior case number was CA-2009-0833-US1214.

On December 10, 2009, Claimant served a Notice of Rescission of Default and Final Agency Order and Motion to Terminate Proceedings and Close Docket. Claimant advised that on November 20, 2009, following receipt of Respondent's reply to the NOC, he rescinded the NDFAO; therefore, the Petition for Reconsideration is moot. Claimant's motion is granted. The Petition for Reconsideration is dismissed, this proceeding is terminated and the docket is closed.<sup>2</sup>

*It Is So Ordered.*

  
Rose A. McMurray

Assistant Administrator  
Federal Motor Carrier Safety Administration

12.24.09  
Date

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<sup>2</sup> If subsequent filings are made regarding this civil penalty case, a new docket number will be opened.

**CERTIFICATE OF SERVICE**

This is to certify that on this 28 day of December, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

David Moreno, President  
Leftover Freight Transportation, Inc.  
1950 Mercantile Lane  
Coalinga, CA 93210

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Office of Chief Counsel (MC-CCE)  
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